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SENSITIVE  
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FOR EAP/MTS AND DRL

E.O. 12958: N/A  
TAGS: [PHUM](#) [PGOV](#) [SOCI](#) [MY](#)  
SUBJECT: MALAYSIA: ETHNIC INDIANS FORCE PROBE OF LATEST  
DEATH IN POLICE CUSTODY

Summary and Comment  
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¶1. (SBU) An ethnic Indian's January 20 death in police custody sparked outrage in Malaysia's Indian community after photos of the body circulated showing severe injuries allegedly resulting from abuse by the police. Indian politicians from across the political spectrum became involved and called for an official probe. After three days of mounting criticism, on January 23 the Attorney General classified the case as a possible murder and the national police chief announced a full investigation.

¶2. (SBU) Comment: The latest death in police custody of a suspect from the Indian community comes one week after seven police officers were charged with causing grievous hurt by pouring boiling water on a suspect, also an Indian. The Indian community's reaction to the allegations and police statements is indicative of the deep credibility gap between police (whose ranks are overwhelmingly ethnic Malay) and the Indian community. Indian politicians, even from the ruling coalition, felt compelled to engage on this lightening rod case or risk their political base. End Summary and Comment.

Police Abuse Suspected  
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¶3. (SBU) Local press on January 20 reported the death of Kugan Ananthan, a Malaysian ethnic Indian, while in Royal Malaysian Police (RMP) custody at the Subang Jaya police station. Police had held Kugan, arrested on January 15, on suspicion of car theft. Police officials claimed Kugan died on January 20 from an asthma attack during interrogation. The Hindu Rights Action Front (HINDRAF), a banned Indian rights organization, posted graphic photos of Kugan's body on their website, [www.makkal.org](http://www.makkal.org), to document injuries to his head, neck, back, wrists, and elsewhere on his body allegedly sustained during police interrogations. Member of Parliament Manikvasagam and Deputy Ministers in the Prime Minister's Department T. Murugiah and S.K. Devamany (all ethnic Indians) were present with Kugan's family when the photos and video of the injuries were taken. The police stated that the family and others who entered the mortuary without authorization could face charges of tampering with evidence.

Protest at Police Station  
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¶4. (SBU) On January 21, members from HINDRAF, the opposition People's Justice Party (PKR) and Democratic Action Party (DAP), and from the Malaysian Indian Congress (MIC), the ethnic Indian component party in the ruling National Front coalition, demonstrated at the Subang Jaya police station with estimates ranging from 200 to 600 participants. Party representatives told us they assisted Kugan's family to file a police report claiming Kugan suffered severe physical abuse while in police custody. Representatives from PKR, DAP, MIC,

and Makkal Sakthi (People Power, HINDRAF's alternate name as it is a banned organization) also filed separate police reports over the alleged abuse.

#### Family/Politicians Allege Police Cover-up

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15. (SBU) Selangor Police Chief Khalid Abu Bakar initially claimed Kugan collapsed shortly after drinking water due to an asthmatic attack. As photos emerged of Kugan's injuries, he urged the public not to speculate on the cause of death, as death under police custody was a "sensitive issue." He promised a thorough investigation following the post-mortem report. On January 22, Khalid announced that the post-mortem report determined the cause of death as due to "liquid in his lungs;" he made no mention of the injuries to Kugan's body. Kugan's family learned of the report's findings during the funeral. They accused Khalid of trying to cover up the abuse and halted the funeral in order to have an independent second post-mortem. An MIC Youth leader also called for a review of the findings and said the youth wing would establish a committee to monitor the welfare of Indians in police custody. Representatives from Malaysia's Human Rights Commission (SUHAKAM) told us they planned to begin a probe of Kugan's death. Opposition MP Manikvasagam called for the Selangor police chief's resignation. Opposition MP Charles Santiago voiced his criticism of Khalid and stated, "The job of the police is clearly to find enough evidence to charge him (Kugan) in court. It was not to beat him to death." On January 23, Amnesty International stated that Malaysian authorities "must initiate an independent, impartial, prompt, and effective investigation," deeming the alleged abuse

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"torture."

#### Demonstration at National Police HQ

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16. (SBU) HINDRAF called for a protest at the national RMP headquarters on January 23. Preliminary reports indicated that only some 80 participants attended. Representatives from PKR, DAP and MIC were present.

#### AGO Classifies Case as Murder

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17. (U) After three days of mounting criticism, late on January 23 the Attorney General's Office released a statement classifying the case as a possible murder. In addition, Inspector General of Police Musa Hassan told reporters the police would conduct a full investigation into Kugan's death.

"We will not cover up anything," Musa stated. Musa also criticized Kugan's family for entering the mortuary to view the body as this could constitute tampering with evidence.

KEITH